

GLYNN & FINLEY, LLP  
ONE WALNUT CREEK CENTER  
SUITE 500  
100 PRINGLE AVENUE  
WALNUT CREEK, CALIFORNIA 94596  
TELEPHONE: (925) 210-2800

FACSIMILE: (925) 945-1975

WRITER'S DIRECT DIAL NUMBER  
(925) 210-2846  
e-mail: [jeldredge@glynnfinley.com](mailto:jeldredge@glynnfinley.com)

August 7, 2008

*Reliant Technologies v. McDaniel*  
Case No. C 08-2515 MMC

**VIA FEDEX AND ELECTRONIC FILING**

The Honorable Maxine M. Chesney  
Judge of the United States District Court  
for the Northern District of California  
450 Golden Gate Avenue  
Courtroom 7, 19th Floor  
San Francisco, CA 94102-3611

Dear Judge Chesney:

We write on behalf of plaintiff Reliant Technologies Inc. ("Reliant") in the above-referenced matter to confirm that Reliant is not required to respond to the Defendant's Motion to Dismiss for Lack of Personal Jurisdiction ("Motion to Dismiss") (Doc. 11) on or before August 8, 2008. *Pro se* defendant Robert McDaniel noticed his Motion to Dismiss on July 30, 2008 for a hearing to occur on August 29, 2008 at 9:00 a.m.<sup>1</sup> Mr. McDaniel's Notice of Hearing violates Civil Local Rule 7-2(a) because it requests a hearing within thirty-five days of the filing, service, and notice of his motion.

We received confirmation from Chris Wolpert, Supervisor of Courtroom Operations, that the hearing date was premature and that a relief courtroom deputy (while your calendar clerk, Tracy Lucero, is away) will be contacting the defendant to inform him that he must re-notice the hearing in compliance with the local rules. Mr. Wolpert mentioned, however, that the hearing date could not be removed from the calendar until Ms. Lucero returns.

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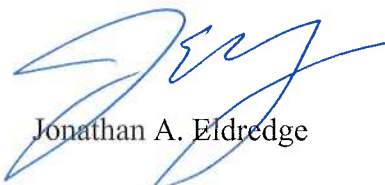
<sup>1</sup> Mr. McDaniel originally filed his Motion to Dismiss on July 21, 2008 (Doc. 11), but failed to notice the motion for a hearing in violation of Civ. L.R. 7-2(a). The Court ordered Mr. McDaniel to file a notice of motion in conformity with the Civil Local Rules of the Northern District of California or face denial of his motion (Doc. 12). On July 30, 2008, Mr. McDaniel filed only a Notice of Hearing, but did not file and serve the original motion as required by Civ. L.R. 7-2(a) (Doc. 13).

The Honorable Maxine M. Chesney  
August 7, 2008  
Page 2

This letter memorializes our understanding that, although the August 29, 2008 hearing will remain on your calendar until after our August 8, 2008 response deadline (dictated by that hearing date), we will not be required to respond to the defendant's Motion to Dismiss by August 8, 2008, and that a new hearing date (and response date) will be set once Defendant files a new notice of motion. We will contact Ms. Lucero when she returns on August 13, 2008 to confirm that the Court will strike the August 29, 2008 hearing date from the calendar.

Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'J. Eldredge', is written over the typed name.

Jonathan A. Eldredge

cc: Robert L. McDaniel (via FedEx) (Proof of Service attached)

Docket No. C08-02515 MMC  
PROOF OF SERVICE BY FEDERAL EXPRESS

I, Beverly Carter, the undersigned, hereby certify and declare under penalty of perjury that the following statements are true and correct:

1. I am over the age of 18 years and am not a party to the within cause.
2. My business address is One Walnut Creek Center, 100 Pringle Avenue, Suite 500, Walnut Creek, CA 94596.
3. On August 7, 2008, I served a copy of the following document:

**LETTER DATED AUGUST 7, 2008 TO HON. MAXINE M. CHESNEY,  
JUDGE OF THE U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT**

by Federal Express overnight delivery. A true copy thereof was enclosed in a sealed envelope addressed as follows:

Robert L. McDaniel  
4919 Natural Bridge  
Kingwood, TX 77345  
Telephone: (281) 844-7364

***Pro se Defendant***

I caused such envelope to hand-delivered by Federal Express, with guaranteed delivery before noon on the following business day.

Executed this 7th day of August, 2008 at Walnut Creek, California.

  
Beverly Carter